

106TH CONGRESS  
2D SESSION

# S. 1629

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## AN ACT

To provide for the exchange of certain land in the State  
of Oregon.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Oregon Land Ex-  
5       change Act of 2000”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) certain parcels of private land located in  
4 northeast Oregon are intermingled with land owned  
5 by the United States and administered—

6 (A) by the Secretary of the Interior as part  
7 of the Central Oregon Resource Area in the  
8 Prineville Bureau of Land Management District  
9 and the Baker Resource Area in the Vale Bu-  
10 reau of Land Management District; and

11 (B) by the Secretary of Agriculture as part  
12 of the Malheur National Forest, the Wallowa-  
13 Whitman National Forest, and the Umatilla  
14 National Forest;

15 (2) the surface estate of the private land de-  
16 scribed in paragraph (1) is intermingled with parcels  
17 of land that are owned by the United States or con-  
18 tain valuable fisheries and wildlife habitat desired by  
19 the United States;

20 (3) the consolidation of land ownerships will fa-  
21 cilitate sound and efficient management for both  
22 public and private lands;

23 (4) the improvement of management efficiency  
24 through the land tenure adjustment program of the  
25 Department of the Interior, which disposes of small  
26 isolated tracts having low public resource values

1 within larger blocks of contiguous parcels of land,  
2 would serve important public objectives, including—

3 (A) the enhancement of public access, aes-  
4 thetics, and recreation opportunities within or  
5 adjacent to designated wild and scenic river cor-  
6 ridors;

7 (B) the protection and enhancement of  
8 habitat for threatened, endangered, and sen-  
9 sitive species within unified landscapes under  
10 Federal management; and

11 (C) the consolidation of holdings of the  
12 Bureau of Land Management and the Forest  
13 Service—

14 (i) to facilitate more efficient adminis-  
15 tration, including a reduction in adminis-  
16 trative costs to the United States; and

17 (ii) to reduce right-of-way, special use,  
18 and other permit processing and issuance  
19 for roads and other facilities on Federal  
20 land;

21 (5) time is of the essence in completing a land  
22 exchange because further delays may force the iden-  
23 tified landowners to construct roads in, log, develop,  
24 or sell the private land and thereby diminish the

1 public values for which the private land is to be ac-  
2 quired; and

3 (6) it is in the public interest to complete the  
4 land exchanges at the earliest practicable date so  
5 that the land acquired by the United States can be  
6 preserved for—

7 (A) protection of threatened and endan-  
8 gered species habitat; and

9 (B) permanent public use and enjoyment.

10 **SEC. 3. DEFINITIONS.**

11 As used in this Act—

12 (1) the term “Clearwater” means Clearwater  
13 Land Exchange—Oregon, an Oregon partnership  
14 that signed the document entitled “Assembled Land  
15 Exchange Agreement between the Bureau of Land  
16 Management and Clearwater Land Exchange—Or-  
17 egon for the Northeast Oregon Assembled Lands  
18 Exchange, OR 51858,” dated October 30, 1996, and  
19 the document entitled “Agreement to initiate” with  
20 the Forest Service, dated June 30, 1995, or its suc-  
21 cessors or assigns;

22 (2) the term “identified landowners” means pri-  
23 vate landowners identified by Clearwater and willing  
24 to exchange private land for Federal land in accord-  
25 ance with this Act;

1           (3) the term “map” means the map entitled  
2           “Northeast Oregon Assembled Land Exchange/Tri-  
3           angle Land Exchange”, dated November 5, 1999;  
4           and

5           (4) the term “Secretary” means the Secretary  
6           of the Interior or the Secretary of Agriculture, as  
7           appropriate.

8   **SEC. 4. BLM—NORTHEAST OREGON ASSEMBLED LAND EX-**  
9                           **CHANGE.**

10          (a) IN GENERAL.—Upon the request of Clearwater,  
11          on behalf of the appropriate identified landowners, the  
12          Secretary of the Interior shall exchange the Federal lands  
13          described in subsection (b) for the private lands described  
14          in subsection (c), as provided in section 6.

15          (b) BLM LANDS TO BE CONVEYED.—The parcels of  
16          Federal lands to be conveyed by the Secretary to the ap-  
17          propriate identified landowners are as follows:

18               (1) the parcel comprising approximately 45,824  
19               acres located in Grant County, Oregon, within the  
20               Central Oregon Resource Area in the Prineville Dis-  
21               trict of the Bureau of Land Management, as gen-  
22               erally depicted on the map;

23               (2) the parcel comprising approximately 2,755  
24               acres located in Wheeler County, Oregon, within the  
25               Central Oregon Resource Area in the Prineville Dis-

1        trict of the Bureau of Land Management, as gen-  
2        erally depicted on the map;

3            (3) the parcel comprising approximately 726  
4        acres located in Morrow County, Oregon, within the  
5        Baker Resource Area of the Vale District of Land  
6        Management, as generally depicted on the map; and

7            (4) the parcel comprising approximately 1,015  
8        acres located in Umatilla County, Oregon, within the  
9        Baker Resource Area in the Vale District of the Bu-  
10       reau of Land Management, as generally depicted on  
11       the map.

12        (c) PRIVATE LANDS TO BE ACQUIRED.—The parcel  
13       of private lands to be conveyed by the appropriate identi-  
14       fied landowners to the Secretary are as follows:

15            (1) the parcel comprising approximately 31,646  
16        acres located in Grant County, Oregon, within the  
17        Central Oregon Resource Area in the Prineville Dis-  
18        trict of the Bureau of Land Management, as gen-  
19        erally depicted on the map;

20            (2) the parcel comprising approximately 1,960  
21        acres located in Morrow County, Oregon, within the  
22        Baker Resource Area in the Vale District of the Bu-  
23        reau of Land Management, as generally depicted on  
24        the map; and

1           (3) the parcel comprising approximately 10,544  
2       acres located in Umatilla County, Oregon, within the  
3       Baker Resource Area in the Vale District of the Bu-  
4       reau of Land Management, as generally depicted on  
5       the map.

6 **SEC. 5. FOREST SERVICE—TRIANGLE LAND EXCHANGE.**

7       (a) IN GENERAL.—Upon the request of Clearwater,  
8       on behalf of the appropriate identified landowners, the  
9       Secretary of Agriculture shall exchange the Federal lands  
10      described in subsection (b) for the private lands described  
11      in subsection (c), as provided in section 6.

12      (b) FOREST SERVICE LANDS TO BE CONVEYED.—  
13      The National Forest System lands to be conveyed by the  
14      Secretary to the appropriate identified landowners com-  
15      prise approximately 3,901 acres located in Grant and Har-  
16      ney Counties, Oregon, within the Malheur National For-  
17      est, as generally depicted on the map.

18      (c) PRIVATE LANDS TO BE ACQUIRED.—The parcels  
19      of private lands to be conveyed by the appropriate identi-  
20      fied landowners to the Secretary are as follows:

21           (1) the parcel comprising approximately 3,752  
22      acres located in Grant and Harney Counties, Or-  
23      egon, within the Malheur National Forest, as gen-  
24      erally depicted on the map;

1           (2) the parcel comprising approximately 1,702  
2       acres located in Baker and Grant Counties, Oregon,  
3       within the Wallowa-Whitman National Forest, as  
4       generally depicted on the map; and

5           (3) the parcel comprising approximately 246  
6       acres located in Grant and Wallowa Counties, Or-  
7       egon, within or adjacent to the Umatilla National  
8       Forest, as generally depicted on the map.

9   **SEC. 6. LAND EXCHANGE TERMS AND CONDITIONS.**

10       (a) IN GENERAL.—Except as otherwise provided in  
11   this Act, the land exchanges implemented by this Act shall  
12   be conducted in accordance with section 206 of the Fed-  
13   eral Land Policy and Management Act (43 U.S.C. 1716)  
14   and other applicable laws.

15       (b) MULTIPLE TRANSACTIONS.—The Secretary of  
16   the Interior and the Secretary of Agriculture may carry  
17   out a single or multiple transactions to complete the land  
18   exchanges authorized in this Act.

19       (c) COMPLETION OF EXCHANGES.—Any land ex-  
20   change under this Act shall be completed not later than  
21   90 days after the Secretary and Clearwater reach an  
22   agreement on the final appraised values of the lands to  
23   be exchanged.

24       (d) APPRAISALS.—The values of the lands to be ex-  
25   changed under this Act shall be determined by appraisals



1 using nationally recognized appraisal standards, including  
2 as appropriate—

3 (A) the Uniform Appraisal Standards for Fed-  
4 eral Land Acquisitions (1992); and

5 (B) the Uniform Standards of Professional Ap-  
6 praisal Practice.

7 (2) To ensure the equitable and uniform appraisal of  
8 the lands to be exchanged under this Act, all appraisals  
9 shall determine the best use of the lands in accordance  
10 with the law of the State of Oregon, including use for the  
11 protection of wild and scenic river characteristics as pro-  
12 vided in the Oregon Administrative Code.

13 (3)(A) all appraisals of lands to be exchanged under  
14 this Act shall be completed, reviewed and submitted to the  
15 Secretary not later than 90 days after the date Clearwater  
16 requests the exchange.

17 (B) Not less than 45 days before an exchange of  
18 lands under this Act is completed, a comprehensive sum-  
19 mary of each appraisal for the specific lands to be ex-  
20 changed shall be available for public inspection in the ap-  
21 propriate Oregon offices of the Secretary, for a 15-day pe-  
22 riod.

23 (4) After the Secretary approves the final appraised  
24 values of any parcel of the lands to be conveyed under  
25 this Act, the value of such parcel shall not be reappraised

1 or updated before the completion of the applicable land  
2 exchange, except for any adjustments in value that may  
3 be required under subsection (e)(2).

4 (e) EQUAL VALUE LAND EXCHANGE.—(1)(A) The  
5 value of the lands to be exchanged under this Act shall  
6 be equal, or if the values are not equal, they shall be equal-  
7 ized in accordance with section 206(b) of the Federal  
8 Land Policy and Management Act (43 U.S.C. 1716(b))  
9 or this subsection.

10 (B) The Secretary shall retain any cash equalization  
11 payments received under subparagraph (A) to use, without  
12 further appropriation, to purchase land from willing sell-  
13 ers in the State of Oregon for addition to lands under the  
14 administration of the Bureau of Land Management or the  
15 Forest Service, as appropriate.

16 (2) If the value of the private lands exceeds the value  
17 of the Federal lands by 25 percent or more, Clearwater,  
18 after consultation with the affected identified landowners  
19 and the Secretary, shall withdraw a portion of the private  
20 lands necessary to equalize the values of the lands to be  
21 exchanged.

22 (3) If any of the private lands to be acquired do not  
23 include the rights to the subsurface estate, the Secretary  
24 may reserve the subsurface estate in the Federal lands to  
25 be exchanged.

1       (f) LAND TITLES.—(1) Title to the private lands to  
2 be conveyed to the Secretary shall be in a form acceptable  
3 to the Secretary.

4       (2) The Secretary shall convey all right, title, and in-  
5 terest of the United States in the Federal lands to the  
6 appropriate identified landowners, except to the extent the  
7 Secretary reserves the subsurface estate under subsection  
8 (c)(2).

9       (g) MANAGEMENT OF LANDS.—(1) Lands acquired  
10 by Secretary of the Interior under this Act shall be admin-  
11 istered in accordance with sections 205(c) of the Federal  
12 Land Policy and Management Act (43 U.S.C. 1715(c)),  
13 and lands acquired by the Secretary of Agriculture shall  
14 be administered in accordance with sections 205(d) of  
15 such Act (43 U.S.C. 1715(d)).

16       (2) Lands acquired by the Secretary of the Interior  
17 pursuant to section 4 which are within the North Fork  
18 of the John Day subwatershed shall be administered in  
19 accordance with section 205(c) of the Federal Land Policy  
20 and Management Act (43 U.S.C. 1715(c)), but shall be  
21 managed primarily for the protection of native fish and  
22 wildlife habitat, and for public recreation. The Secretary  
23 may permit other authorized uses within the subwatershed  
24 if the Secretary determines, through the appropriate land

1 use planning process, that such uses are consistent with,  
 2 and do not diminish these management purposes.

3 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

4       There is authorized to be appropriated such sums as  
 5 may be necessary to carry out this Act.

Passed the Senate April 13, 2000.

Attest:

*Secretary.*

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